APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,973	09/12/2000	Mark Clayton	TC00047	6026

			EXAMINER
22863	7590	01/06/2004	OPIE, GEORGE L

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| Office Action Summary | Application No. 09/659,973 | Applicant(s) Clayton et al. |
| | Examiner George L. Opie | Art Unit 2151 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will
  be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this
  communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) ___ Responsive to communication(s) filed on _____.

2a) ___ This action is **FINAL**.   2b) _X_ This action is non-final.

3) ___ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) _X_ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ___ Claim(s) _____ is/are allowed.

6) _X_ Claim(s) _1-19_ is/are rejected.

7) ___ Claim(s) _____ is/are objected to.

8) ___ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ___ The specification is objected to by the Examiner.

10) ___ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ___ The proposed drawing correction filed on _____ is: a) ___ approved b) ___ disapproved.

12) ___ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)_ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ___ All b) ___ Some * c) ___ None of the CERTIFIED copies of the priority documents have been:

        1. ___ received.

        2. ___ received in Application No. (Series Code / Serial Number) _____.

        3. ___ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ___ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) _X_ Notice of References Cited (PTO-892)

15) ___ Notice of Draftsperson's Patent Drawing Review (PTO-948)

16) ___ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

17) ___ Interview Summary (PTO-413) Paper No(s). _____.

18) ___ Notice of Informal Patent Application (PTO-152)

19) _X_ Other: Text Docs for USP6,130,757 USP6,003,061

DETAILED ACTION

1.   Request for copy of Applicant's response on floppy disk:
Please help expedite the prosecution of this application by including, along with
your amendment response in paper form, an electronic file copy in WordPerfect,
Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.
Please include all pending claims along with your responsive remarks. Only the
paper copy will be entered -- your floppy disk file will be considered a duplicate
copy. Signatures are not required on the disk copy. The floppy disk copy is not
mandatory, however, it will help expedite the processing of your application.
Your cooperation is appreciated.

2.   The U.S. Patents used in the art rejections below have been provided as
text documents which correspond to the U.S. Patents. The relevant portions of
the text documents are cited according to page and line numbers in the art
rejections below. For the convenience of Applicant, the cited sections are
highlighted in the *text documents*. Consistent with Office procedure, the U.S.
Patents corresponding to the *text documents* are also included with this action.

3.   Claim Rejections - 35 U.S.C. § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

4.   Claims 1, 5-12 and 16-19 are rejected under 35 U.S.C. § 103(a) as being
unpatentable over Yoshida et al. (U.S. Patent 6,130,757).

As to claim 1, Yoshida teaches an information appliance system (client-server
system, p3 5-9) comprising:

an information appliance device having a user interface device (client apparatus
... the guidance menu, abstract) wherein the user interface device comprises a
plurality of user interface device resources (information on the functions that can
be provided by each of the plurality of server apparatuses, p3 14-23)

an entity (server, abstract) wherein the entity is disposed to utilize the plurality of user interface device resources (realize the functions provided, p3 5-9)

a focus manager (CPU 103 functions as a job managing unit, p9 52 – p10 16) and an asynchronous request (inputs an instruction for requesting a job, p13 4-12) having a corresponding asynchronous entity (functions provided by the server, p3 5-9) wherein the asynchronous request is received by the focus manager (CPU 103, on receiving a job request, 23-29p16) wherein the asynchronous request is stored and assigned a priority level (job management unit ... assigning priorities to the jobs each time a job is requested, p3 37-44) wherein based on the priority level the asynchronous entity takes control of the plurality of user interface device resources from the entity (CPU 103 executes jobs according to the priorities, p9 52 – p10 16) wherein the asynchronous entity utilizes the plurality of user interface device resources (executes necessary processes according to the job types, p10 35-49) and wherein the asynchronous entity returns control of the plurality of user interface device resources to the entity (CPU 103 ... deletes the jobs from the server management as the jobs complete, p16 40-45).

Although Yoshida does not specifically recite the use of a queue for holding the requests, Yoshida suggests such a data structure for storing the requests as the job managing unit employs a "table" mechanism that facilitates the searching "for a job having the highest priority", p11 15-19 in the information appliance system. It would have been obvious for one skilled in the art to stipulate use of a queue in Yoshida's request storing and searching scheme.

> As to claim 5 Yoshida teaches the application returns control to the server upon acknowledgement, p10 35-49.

> As to claims 6-7 Yoshida teaches that a first job type is "executed immediately", p3 44-52 while a second type of job request is "waiting", p11 1-4 its turn in the system for processing.

As to claim 8, Yoshida (p3 5-9) teaches the functions provided by the server are realized, or made use of by the job execution.

As to claims 9-11, Yoshida's (pp2-3) server functions read-on the recited asynchronous entity comprises an application, service or subsystem .

As to claims 12 and 16-19, note the rejections of claims 1-8 above. Claims 12-19 are the same as claims 1-8, except claims 12-19 are method claims and claims 1-8 are apparatus claims.

5.   Claims 2-4 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. Patent 6,130,757) in view of Jones et al. (U.S. Patent 6,003,061).

> As to claims 2-4, Yoshida teaches the information appliance system with priority management mechanisms, however, Yoshida does not disclose the importance with urgency elements for time-dependent processing.
>
> Jones teaches using "a unified urgency indicator to schedule the execution" of requested operations, p3 47 – p4 12. Also, Jones (p27 1-9) shows the versatility of the client-server mechanisms for distributing/managing attributes of the processing; in other words, each computer is "caplable of serving as either the client or server" for purposes of storing, retrieving and providing the requisite functionality.

It would have been obvious to combine the managing of importance and urgency constraints taught by Jones with Yoshida because many "multimedia applications demand time-specific scheduling for acceptable performance" p3 47-p4 12 which would enhance the job managing in Yoshida's information appliance system so that it would properly execute the specified services.

As to claims 13-15, note the rejections of claims 2-4 above. Claims 13-15 are the same as claims 2-4 except claims 13-15 are method claims and claims 2-4 are apparatus claims.

6.   The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.
U.S. Patent No. 6,665,701 to Combs et al. which teaches the resource allocation priority system to ensure quality of service;
U.S. Patent No. 6,438,630 to DeMoney et al. which teaches the importance factor with urgency or processing deadline; and,
U.S. Patent No. 6,304,906 to Bhatti et al. which teaches the request queue for managing job/resource priorities.

7.   **Contact Information:**

PTO Policy for Facsimile Submissions:
☐   AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
☐   OFFICIAL faxes must be signed and sent to (703) 746-7239.
☐   NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the
docketing personnel. The date of entry will correspond to the
actual FAX reception date unless that date is a Saturday,
Sunday, or a Federal Holiday within the District of Columbia, in
which case the official date of receipt will be the next business
day. The application file will be promptly forwarded to the
Examiner unless the application file must be sent to another
area of the Office, e.g., Finance Division for fee charging, etc.

☐   All responses sent by U.S. Mail should be mailed to:
        Commissioner for Patents
        PO Box 1450
        Alexandria, VA 22313-1450

☐   Hand-delivered responses should be brought to Crystal Park Two, 2021
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered
responses will be handled and entered by the docketing personnel. Please do
not hand deliver responses directly to the Examiner.

☐   Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist at **(703) 305-9600.**

☐   Any inquiry concerning this communication or earlier communications
from the examiner should be directed to George Opie at (703) 308-9120 or
via e-mail at *George.Opie@uspto.gov.* Internet e-mail should not be used where
sensitive data will be exchanged or where there exists a possibility that sensitive
data could be identified unless there is an express waiver of the confidentiality
requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes
confidential information related to patent applications.

ZARNI MAUNG
PRIMARY EXAMINER